

REMARKS

Claims 14-22 are currently pending in this application. Claims 16-19 stand withdrawn as being directed towards a non-elected invention.

The Applicant thanks the Examiner for the allowance of Claims 14, 15, 20 and 21.

Reconsideration and allowance of the rejected claims are respectfully requested in view of the following remarks.

Examiner Interview

The Applicant thanks the Examiner for the courtesies that were extended to his representatives during the Examiner Interview conducted October 16, 2007.

During the Examiner Interview, the Applicant's representatives argued that the amendment to the specification does not incorporate new matter, as alleged by the Examiner in the final Office Action dated August 23, 2007, because the lines denoted Ra, Ry and Rz are each renamed in the specification to more clearly define the invention, and do not incorporate new matter. In other words, the Applicant asserts that the arithmetical mean deviation from the mean line of the profile (Ra), can also be termed the center line average (Ra). Further, the Applicant asserts that the maximum height (Ry), can also be termed the maximum peak to valley roughness height (Ry). Finally, the ten point average roughness (Rz), can also be termed the ten point height (Rz).

Further, the Applicant's position is that the amendment to the description of the ten point height (Rz) further defines what one of ordinary skill in the art would commonly understand, and

that this is not new matter, but rather a mathematical description of the average height of the five highest local maxima plus the average height of the five lowest local minima.

In addition, the Applicant's position is that the ranges claimed in Claims 16-19, are the same ranges found in original Claims 4, 6, 8, 10 and 13, which were originally examined, and therefore this is evidence that the subject matter in withdrawn Claims 16-19 was originally claimed.

Therefore, the Applicant's representatives request the entry of the amendment to the specification, the withdrawal of the Election by original presentation of Claims 16-19, and the withdrawal of the written description rejection of Claim 22.

In response, the Examiner requested the presentation of these arguments in the Remarks section in the next amendment, and stated that once the amendment to the Specification is entered, Claims 16-19 will be examined, and that the rejection of Claim 22 under 35 U.S.C. 112, 1st paragraph will be withdrawn.

Specification

Entry of the amendment to the specification is respectfully requested in view of the following remarks. The amendment to the specification does not add new material, nor does it change the scope of the invention. Rather, the changes made to the specification merely clarify terminology, which places the application in better form for US practice.

The amplitude parameters denoted Ra, Ry and Rz are each renamed in the specification to more clearly define the invention, and do not change the scope of the invention. In other words, the arithmetical mean deviation from the mean line of the profile (Ra), can also be termed

the center line average (Ra). Further, the maximum height (Ry), can also be termed the maximum peak to valley roughness height (Ry). Finally, the ten point average roughness (Rz), can also be termed the ten point height (Rz).

Furthermore, the amendment to the description of the ten point height (Rz) does not add new matter, but rather further defines what one of ordinary skill in the art would commonly understand. Specifically, the ten point height is by definition the average height of the five highest local maxima plus the average height of the five lowest local minima, which is described mathematically below:

$$Rz = |Y_{p1} + Y_{p2} + Y_{p3} + Y_{p4} + Y_{p5}| + |Y_{v1} + Y_{v2} + Y_{v3} + Y_{v4} + Y_{v5}|$$

5

Therefore, entry of the amendment to the specification is respectfully requested, as is the withdrawal of the new matter rejection.

Election/Restriction

Claims 16-19 stand withdrawn from consideration by the Examiner as allegedly being directed to a non-elected invention. Applicant respectfully traverses this election/restriction.

Applicant respectfully notes that the ranges recited in Claims 16-19 are the same as the ranges recited in originally examined Claims 4, 6, 8, 10 and 13. Therefore, since Claims 4, 6, 8 10 and 13 were originally examined, Applicant takes this as evidence of the original presentation of withdrawn Claims 16-19. Entry and allowance of Claims 16-19 is respectfully requested.

Claim Rejections under 35 U.S.C. §112

Claim 22 is rejected under 35 U.S.C. 112, first paragraph, for allegedly failing to comply with the written description requirement. Applicant respectfully traverses this rejection.

As described above, the amendment to the specification which renames, and further describes, the amplitude parameters Ra, Ry and Rz, does not include new matter. Consequently, by entry of the above amendment to the specification, Claim 22 is in condition for allowance at least by virtue of its dependency from Claim 20.

If the Examiner believes that there is any issue which could be resolved by a telephone or personal interview, the Examiner is respectfully requested to contact the undersigned attorneys at the telephone number listed below.

Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any required fee for such an extension is to be charged to Deposit Account No. 50-0951.

Respectfully submitted,

Jean C. Edwards

Jean C. Edwards
Registration No. 41,728

(57362)
AKERMAN SENTERFITT
801 Pennsylvania Avenue N.W.
Suite 600
Washington, D.C. 20004
202-824-1719 - phone
202-824-1791 - fax
Date: November 21, 2007